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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 BETTY R. HEROLD,

11 Plaintiff,

12 v.

13 INDYMAC, *et al.*,

14 Defendants.
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Case No. 2:10-CV-02204-KJD-GWF

ORDER

16 Plaintiff's complaint was filed on December 20, 2010. Federal Rule of Civil Procedure 4(m)
17 requires service of summons and complaint to be made upon a defendant 120 days after the filing of
18 the complaint. The 120 day time period for effecting service of the summons and complaint upon
19 Defendant Indymac expired no later than April 19, 2011. On October 5, 2011, the Court ordered
20 Plaintiff to file proof of service of the summons and complaint no later than October 18, 2011, and
21 warned Plaintiff that failure to do so would result in the complaint against Indymac being dismissed
22 without prejudice.

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1 Plaintiff has failed to file proof of service on Defendant Indymac, or to otherwise respond to
2 the Court's order. Therefore, the Court dismisses Plaintiff's complaint without prejudice against
3 Defendant Indymac for failure to serve Defendant in compliance with Rule 4(m). The Clerk of the
4 Court shall close this case.

5 **IT IS SO ORDERED.**

6 DATED this 20th day of October 2011.

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10 Kent J. Dawson
United States District Judge
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